

Attorney Docket No.: F7720(V)
Serial No.: 10/565,118
Filed: June 19, 2006
Confirmation No.: 6151

REMARKS

Reconsideration of the application is respectfully requested.

The claims have been rejected as obvious over WO 03/003981 (Smith). Applicants respectfully traverse the rejection.

Smith teaches composition for improving cognitive function that may comprise iron and zinc. Page 12 teaches the amounts of zinc and iron: zinc is preferably from 5-30 mg, 7-25, 10-20 mg (line 9-14). Iron may be present from 1 to 18 mg, 2-10 and 4-8 mg (line 14-16). If one compares the amounts of zinc e.g. the lowest value of zinc to the lowest value of iron: zinc is present 5x more than iron (5:1), also for the highest amounts there is more zinc than iron (30:18) the preferred amounts of zinc and iron show the same trend (10-20 : 4-8). Also in the Smith examples more zinc than iron is present (page 21 table 1). Smith is clearly teaching a higher amount of zinc in comparison with iron.

In contrast, the present invention requires at least twice the amount of iron in comparison to zinc. The reason for a higher amount of Iron than of zinc is that it is believed that zinc interferes with the bioavailability of iron so if you add zinc in addition to iron one has to increase the iron amount to obtain the same effect for iron without zinc. One of ordinary skill in the art would not have been led by Smith to employ more iron than zinc. In fact Smith teaches that zinc competes with calcium and magnesium for uptake in the gastrointestinal tract and thus the quantity is key for these nutrients (page 11 line 15-20). When one of ordinary skill in the art is confronted with this fact and the further teaching by Smith of having more zinc than

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iron, one would have been dissuaded to use amounts of zinc less than the amounts of iron.

In light of the above remarks, it is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Rimma Mitelman", written over a horizontal line.

Rimma Mitelman
Registration No. 34,396
Attorney for Applicant(s)

RM/sa
(201) 894-2671